

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

WAVERLY NOLLEY

Appellant

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§ CIVIL ACTION NO. 4:07-cv-2171

**MEMORANDUM AND ORDER**

Appellant Waverly R. Nolley as well as attorney George R. Neely have filed a Motion for Rehearing (Dkt. 29). In it, they ask the Court to revisit its affirmance of the Bankruptcy Court's January 25, 2008 order of sanctions entered against them. (Memorandum and Order, Dkt. 27.)

The arguments advanced have, for the most part, already been considered by this Court and do not warrant further discussion. Mr. Neely does claim, however, that the Court was incorrect in describing Mr. Nolley as his attorney at the time of the conduct that led to sanctions; rather, Mr. Neely asserts Mr. Nolley represented Mr. Neely's wife, and Mr. Neely was Mr. Nolley's co-counsel. Assuming for the moment that this claim is correct, it does not provide any reason to modify this Court's earlier Memorandum and Order. The Motion for Rehearing is **DENIED.**

The Court does, however, feel it necessary to clarify the amount of the sanction award imposed by the Bankruptcy Court. Mr. Neely and Mr. Nolley are jointly and severally liable for \$9,400. Mr. Nolley is also liable for an additional \$1,000 in sanctions, for which Mr. Neely is not liable. As to the \$9,400 for which the two men are jointly and severally liable, Appellee is entitled to a single recovery of \$9,400, however it may be divided between Mr. Neely and Mr. Nolley. Debtor is not entitled to recover \$9,400 from each.

**IT IS SO ORDERED.**

**SIGNED** this 3<sup>rd</sup> day of June, 2008.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

TO ENSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL  
FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY  
EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT